00862.110014. PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| In re Application of: | ) | |
| | : | Examiner: Ponnoreay Pich |
| SHUYA KAECHI | ) | |
| | : | Art Unit: 2435 |
| U.S. Application No.: 10/587,856 | ) | |
| | : | Conf. No.: 9830 |
| § 371 Date: July 28, 2006 | ) | |
| | : | |
| Int'l Application No: PCT/JP2005/019938 | ) | |
| | : | |
| Int'l Filing Date: October 25, 2005 | ) | |
| | : | |
| For: METHOD OF DETECTING AND AUTHENTICATING CONNECTION TARGET FOR WIRELESS COMMUNICATION APPARATUS | ) : | April 9, 2010 |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB TRANSMISSION
I hereby certify that this correspondence is being filed electronically by EFS-Web transmission to the United States Patent Office on
April 9, 2010
(Date of Transmission)
/Christian Mannino/ Reg. No. 58,373
(Name of Attorney for Applicant)

## RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action dated March 9, 2010, Applicant elects to proceed initially with prosecution of Species 2A (Group I, Claims 2 and 10). Applicant traverses the Restriction Requirement. Applicant hereby reserves the right to file and prosecute applications for the non-elected species.

Applicant respectfully traverses the Restriction Requirement on the grounds

the Requirement has been issued pursuant to a procedure that has been superseded explicitly by the Office.

Specifically, the Restriction Requirement was entered pursuant to procedures established in a memo dated April 27, 2007, by John Love, entitled "Changes to Restriction Form Paragraphs".

However, as shown by the attached USPTO memo from Robert Bahr, entitled "Changes to Restriction Form Paragraphs", dated January 10, 2010, Mr. Love's memo of April 27, 2007 has been superseded explicitly. This new memo expressly requires the Examiner, in establishing a serious search burden, to identify one of three (3) reasons listed in revised form paragraphs 8.01, 8.02, and 8.21, which was not done in the instant Restriction Requirement.

In addition, the new memo explicitly forbids the formulation of species based on a rationale that the "claims to the different species recite the mutually exclusive characteristics of such species". The instant Restriction Requirement impermissibly uses this precise rationale.

In any event, it is also noted that the subject application is a national stage application filed under 35 U.S.C. § 371. Accordingly, "restriction practice" per se is not applicable. Rather, the USPTO is obligated to analyze the claims under "unity of invention practice," as described at MPEP § 1893.03(d).

Accordingly, Applicant submits that the Restriction Requirement is invalid and respectfully requests that the Restriction Requirement be withdrawn.